

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2443 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

NATWARLAL K SHAH

Versus

GAJARASINGH GOKARANSINGH

Appearance:

MS VASUBEN P SHAH for Petitioner
MR IA PATEL for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/07/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner has challenged the order dated 22.2.1988 passed by the Labour Court, Ahmedabad in Recovery Application No. 4070/86 under Section 33-C(2) of the Industrial Disputes Act, 1947. The said recovery application was filed by the respondent-workman for execution of the award dated 27.11.1981 passed by the Labour Court, Ahmedabad in reference (LCA) No. 943/80.

2. The aforesaid award dated 27.11.1981 in reference (LCA) No. 943/80 came to be challenged by the petitioner in the meantime in another petition being Special Civil Application No. 2442/88 which came to be disposed of with certain directions to the Labour Court and ultimately the reference itself came to be withdrawn by the respondent-workman and permission for such withdrawal was granted on 7.4.1995. In this view of the matter, the learned counsel for the petitioner states that in view of the withdrawal of the reference and the order passed in the aforesaid Special Civil Application No. 2442/88, the impugned order passed in the recovery application does not survive and in view of the withdrawal of the reference by the respondent-workman, the dispute between the parties does not survive.

3. In view of the above, the order dated 22.8.1988 in recovery application No. 4070/86 is hereby set aside. Rule is made absolute.

The petition is disposed of accordingly.

July 21, 2000 (M.S. Shah, J.)
sundar/-